

REMARKS

The present Amendment amends claims 1 and 8 and leaves claims 2-7 and 9-11 unchanged. Therefore, the present application has pending claims 1-11.

Claims 1-3, 6 and 7 stand rejected under 35 USC §103(a) as being unpatentable over Fiore (U.S. Patent Application Publication No. 2002/0191952) in view of Kirmuss (U.S. Patent Application Publication No. 2003/0081121) and further in view of Bateman (U.S. Patent Application Publication No. 2004/0075750); and claims 4, 5 and 8-11 stand rejected under 35 USC §103(a) as being unpatentable over Fiore, Kirmuss, further in view of Bateman and still further in view of Berezowski (U.S. Patent Application Publication No. 2002/0016971). These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 1-11 are not taught or suggested by Fiore, Kirmuss, Bateman or Berezowski whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Amendments were made to the claims to more clearly describe features of the present invention as recited in the claims. Particularly, amendments were made to the claims to recite that the present invention is directed to a method of storing image data and a system corresponding to the method for storing image data.

According to the present invention the method includes obtaining image data from an image pick-up unit, recording the image data in a first recording apparatus, retrieving the image data recorded in the first recording apparatus in accordance with a predetermined retrieval condition and displaying the retrieved image data as a list information relating to the retrieved image data on a display.

Further, according to the present invention the method includes selecting predetermined information from the list of information, reading image data related to the selected predetermined information from the first recording apparatus, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, and recording the read out image data related to the selected predetermined information in a second recording apparatus.

Still further, according to the present invention the read out image data is image data specified by the selecting as specified image data to be preserved over a long period of time.

Still further yet, according to the present invention when a total amount of all specified image data to be preserved over a long period of time in the second recording apparatus exceeds an unoccupied portion of the second recording apparatus, an indication of such is provided on the display.

Thus, the present invention provides features that from among the data of images, data of images that are desired to be preserved over a long time can be re-recorded in a long-term storage type recording apparatus, that such

data of images are retrieved, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, that by using a removable media for re-recording, preservation of data of images is made easy, that by storing, in combination with data of images to be reproduced, reproduction software in the removable medium, it becomes possible to reproduce the images over a long time without being affected by the version or upgrading of the reproduction software, and that when the total amount of all image data specified to be preserved in the removable medium 109 exceeds an unoccupied amount of the removable medium 109, the estimated total display column 910 is displayed with a louder or more noticeable color as an indication of such.

The above described features of the present invention now more clearly recited in the claims are described, for example, on page 38, lines 12-20 and illustrated in Fig. 9 of the present application.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references whether said references are taken individually or in combination with each other as suggested by the Examiner. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Fiore, Kirmuss, Bateman or Berezowski whether said references are taken individually or in combination with each other as suggested by the Examiner.

Fiore teaches a data recording and playback system and method having a memory device that is adapted to receive and temporarily store input signal data as data frames with time stamps. Fiore teaches that the memory device has addresses associated thereto and a circular storage buffer has a memory map file with the same address space as the memory device for storing the input signal data. According to Fiore, an event controller provides an event signal associated to the time of an event and an event processor is provided for copying to the memory device a plurality of storage frames stored in the circular storage buffer having time stamps approximate to the time of the event.

Fiore teaches, for example, in Fig. 9 that a file format table has a structure including information regarding the size of the file. In Fiore the data frames are implemented as various size frames of data with fixed size headers.

However, at no point is there any teaching or suggestion in Fiore that the image data to be subjected to long term storage is retrieved, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, nor that the amount of image data specified as being data to be stored over a long period of time is measured, and that if the amount of said specified image data exceeds the unoccupied portion of the memory apparatus, then an indication of such is provided on a display as in the present invention. These features of the present invention are important so that appropriate image data is read out for long term storage by selecting

the appropriate image data by comparing predetermined information to the recorded image data and so that the operator can immediately know when image data to be stored over a long period of time exceeds the amount space available on the recording apparatus. Such features are clearly not taught or suggested by Fiore.

Thus, Fiore fails to teach or suggest selecting predetermined information from the list of information, reading image data related to the selected predetermined information from the first recording apparatus, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, and recording the readout image data related to the selected predetermined information in a second recording apparatus, wherein the readout image data is image data specified by the selecting as specified image data to be preserved over a long period of time as recited in the claims.

Further, Fiore fails to teach or suggest that when a total amount of all specified image data to be preserved over a long period of time in the second recording apparatus exceeds an unoccupied portion of the second recording apparatus, an indication of such is provided on the display as recited in the claims.

Kirmuss is directed to an apparatus for recording, in a recording medium for a long period to time, image data that are retrieved from the list of information on image data recorded in the first recording apparatus. Kirmuss teaches that transferring video signal recorded in the first recording apparatus

(buffer) 180 to second recording apparatus (storage device 118) for storage therein in response to a triggering signal 161.

The triggering signal 161 as taught by Kirmuss is simply that, merely a triggering signal having no specified content. Further, the triggering signal 161 as taught by Kirmuss is not used to select the appropriate data for storage but simply causes all of the data stored in the buffer 180 to be stored to the storage device 118 for the alleged long term storage. The Examiner's attention is directed to paragraph [0104] of Kirmuss.

Thus, Kirmuss, the same as Fiore, does not teach or suggest that appropriate image data is read out for storage by selecting the appropriate image data by comparing predetermined information to the recorded image data, selecting the appropriate image data for read out related to the predetermined information based on the comparison and reading out the selected appropriate image data for storage in the long term storage as in the present invention as recited in the claims.

Thus, Kirmuss, the same as Fiore, fails to teach or suggest selecting predetermined information from the list of information, reading image data related to the selected predetermined information from the first recording apparatus, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, and recording the read out image data related to the selected predetermined information in a second recording apparatus, wherein the read out image data is image data specified

by the selecting as specified image data to be preserved over a long period of time as recited in the claims.

Further, Kirmuss, the same as Fiore, fails to teach or suggest that when a total amount of all specified image data to be preserved over a long period of time in the second recording apparatus exceeds an unoccupied portion of the second recording apparatus, an indication of such is provided on the display as recited in the claims.

The above described deficiencies of both Fiore and Kirmuss are also evident in Bateman. Bateman is merely relied upon by the Examiner for an alleged teaching of a method of storing image data wherein when a total amount of specified image data to be preserved over a long period of time in a recording apparatus exceeds an unoccupied portion of the recording apparatus and indication of such is provided on the display. However, Bateman does not supply any of the above described deficiencies of Fiore and Kirmuss.

Particularly, Bateman, the same as Fiore and Kirmuss, fails to teach or suggest selecting predetermined information from the list of information, reading image data related to the selected predetermined information from the first recording apparatus, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, and recording the read out image data related to the selected predetermined information in a second recording apparatus, wherein the read out image data

is image data specified by the selecting as specified image data to be preserved over a long period of time as recited in the claims.

Further, Bateman, the same as Fiore and Kirmuss, fails to teach or suggest that when a total amount of all specified image data to be preserved over a long of period of time in the second recording apparatus exceeds an unoccupied portion of the second recording apparatus, an indication of such is provided on the display as recited in the claims.

Bateman simply describes that an indication of available memory is displayed on a display screen. This indication of available memory has nothing whatsoever to do with the movement of data from a first recording apparatus to a second recording apparatus when appropriate ones of the image data in the first recording apparatus is selected to be stored on a long term basis in the second recording apparatus as in the present invention as recited in the claims.

Therefore, as is clear from the above, each of Fiore, Kirmuss and Bateman suffers from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims and as such combining Fiore, Kirmuss and Bateman in the manner suggested by the Examiner in the Office Action does not render obvious the claimed invention. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 1-3, 6 and 7 as being unpatentable over Fiore in view of Kirmuss and Bateman is respectfully requested.

The above described deficiencies of Fiore, Kirmuss and Bateman are not supplied by any of the other references of record. Particularly, the above

described deficiencies of Fiore, Kirmuss and Bateman are not supplied by Berezowski.

Berezowski is merely relied upon by the Examiner for an alleged teaching of a storing method of image data wherein a plurality of image pick-up devices are used to capture data that the image data obtained from the image pick-up devices is added with an identifier for identifying the image pick-up devices. However, these teaching of Berezowski do not supply the above described deficiencies of Fiore, Kirmuss and Bateman. Particularly, at no point is there any teaching or suggestion in Berezowski that the appropriate image data for long term storage is read out, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, now that the amount of specified image data to be preserved over a long period of time in the second recording apparatus is monitored so that when the total amount of the specified image data exceeds an unoccupied portion of the second recording apparatus, an indication that such has occurred is provided on a display as in the present invention as recited in the claims.

Thus, Berezowski, the same as Fiore, Kirmuss and Bateman, fails to teach or suggest selecting predetermined information from a list of information, reading image data related to the selected predetermined information from the first recording apparatus, by comparing the selected predetermined information to image data recorded in the first recording apparatus, selecting for read out image data related to the selected

predetermined information based on the comparison and reading out the selected image data, and recording the readout image data related to the selected predetermined information in a second recording apparatus, wherein the readout image data is image data specified by the selecting as specified image data to be preserved over a long period of time as recited in the claims.

Further, Berezowski, the same as Fiore, Kirmuss and Bateman, fails to teach or suggest that when a total amount of all specified image data to be preserved over a long period of time in the second recording apparatus exceeds an unoccupied portion of the second recording apparatus, an indication of such is provided on the display as recited in the claims.

Therefore, each of Fiore, Kirmuss, Bateman and Berezowski fails to teach or suggest the features of the present invention as now more clearly recited in the claims and as such combining the teachings of Fiore, Kirmuss, Bateman and Berezowski in the manner suggested by the Examiner in the Office Action does not render obvious the claimed invention. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 4, 5 and 8-11 as being unpatentable over Fiore in view of Kirmuss, Bateman and Berezowski is respectfully requested.

Applicants respectfully submit that it would be impossible to combine the teachings of Fiore and Kirmuss in the manner suggested by the Examiner in the Office Action.

To be able to combine the teachings of Fiore and Kirmuss to attain the present invention, there should exist some technical suggestion in at least either Fiore or Kirmuss that would allow a person skilled in the art to combine the event information of Fiore with the trigger signal of Kirmuss. However,

such a teaching or suggestion cannot be found in any of the references of record.

By combining Fiore, Kirmuss and Bateman, the Examiner contends that it would have been obvious to a skilled person to combine the teachings of Kirmuss and Bateman with the teaching of Fiore and that one would have been motivated to do so because by storing specified image data for a long period of time in the second recording apparatus, the user may consult the specified image data at any point in the future without undue concern that the specified image data will be overwritten. Applicants do not agree with the Examiner's contention because Fiore does not have a second recording apparatus as in the present invention as recited in the claims. Thus, no motivation exists to combine Fiore, Kirmuss and Bateman.

On page 3, lines 10-16 of the Office Action, the Examiner alleges that regarding claim 1, Fiore teaches "...displaying (on playback control screen 70) the retrieved image data as a list of information (in event information window 72) relating to the retrieved image data on a display ... that predetermined information from the list of information is selected by client 30 or 30', that the selected image data related to the selected predetermined information is read from the first recording apparatus (15), and that the read out image data related to the selected predetermined information is recorded in a second recording apparatus (storage at client 30 (or 30'))".

However, Fiore does not disclose the use of a second recording apparatus as in the present invention. In fact, in paragraphs [0052] through [0053] and Fig. 4, Fiore simply teaches that the signal processor 10 includes the alleged first recording apparatus 15 and that the client 30 includes the

alleged second recording apparatus 32 which is not a storage at all but a "client circular storage control 32. The client circular storage control 32 as taught by Fiore does not perform a storage function but instead performs a control function of a client circuit storage 15. Thus, Fiore lacks the second recording apparatus as recited in the claims.

Further, regarding the playback control screen 70 and event information window 71 referred to by the Examiner, as per paragraphs [0057] – [0059] of Fiore these screen 70 and window 71 are solely related to playback or displaying of retrieved data from the circular buffer 15 (first recording apparatus) and not for displaying retrieved image data as a list from which predetermined image information is selected that is used to read out appropriate image data from the first recording apparatus for long term storage in the second recording apparatus as in the present invention. Thus, this is further evidence that Fiore lacks the second recording apparatus as recited in the claims.

Therefore, as is quite clear from the above, Fiore does not teach or suggest an important feature, particularly the second recording apparatus, as in the present invention as recited in the claims. Due to this lack teaching it would be impossible to combine the teachings of Fiore with the teachings of Kirmuss, Bateman or Berezowski in the manner suggested by the Examiner in the Office Action. Accordingly, the alleged combination of Fiore with one or more of Kirmuss, Bateman and Berezowski is not an appropriate combination and even if such a combination could be made such combination does not render obvious the claimed invention.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-11.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-11 are in condition for allowance. Accordingly, early allowance of the present application based on claims 1-11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.43244X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120